

**ROBINSON BROG LEINWAND GREENE
GENOVESE & GLUCK P.C.**

875 Third Avenue
New York, New York 10022
Fred B. Ringel
*Proposed Attorneys for the Debtor and Debtor in
Possession*

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re: Chapter 11

FMTB BH LLC, Case No: 18-42228-cec

Debtor.

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Declaration of Joel Leifer

Joel Leifer, hereby declares the following to be true under penalty of perjury:

1) This declaration is submitted in support of the Debtors' Application for Authorization to Retain Counsel (the "Retention Application"). Pursuant to the Retention Application, the Debtor seeks to retain Robinson Brog to represent it as its bankruptcy counsel.

2) Immediately prior to the Petition Date, I advanced the sum of \$45,000 on behalf of the Debtor to Robinson Brog Leinwand Greene Genovese & Gluck P.C. to pay the firm for work that had been done to prepare the chapter 11 case to be filed. It is my understanding that this work included the factual investigation and the preparation of an extensive complaint commencing an adversary proceeding for specific performance which is central to the success of the Debtor's chapter 11 case.

3) The Debtor's principal assets consist of its (i) interests in the contracts it is seeking to enforce by specific performance so it can close on the real property which is the

subject of those contracts and (ii) the deposits which have been placed for those contracts which are being held by third parties. I am one of the parties that loaned money to the Debtor for the deposits it placed under these contracts to purchase real property. I am owed \$582,499.98 by the Debtor.

4) As a result, I believed it was in my best interests and the best interests of the Debtor's estate to fund the payments to the Debtor's proposed bankruptcy counsel as the Debtor entity did not have any funds to make the payment and enabling the Debtor to pursue the action for specific performance maximized the possibility that the Debtor will be in a position to repay me the sums it owes me. Because I believe my interests and the Debtor's are aligned, I have advanced the funds to pay their proposed counsel.

5) Robinson Brog advised me, and I understand that Robinson Brog will act only as counsel to the Debtor during the bankruptcy case. Robinson Brog further advised that if any issues affecting me or the Debtor arise during the pendency of this case, I will be required to retain independent legal counsel. I am aware that Robinson Brog has a fiduciary duty to the Debtor and not to me. To the extent that I may require any advice or representation regarding the Debtor's bankruptcy case, I shall retain separate counsel.

6) I will not seek repayment of the funds that have been advanced to Robinson Brog by me from the Debtor.

I declare under penalty of perjury under the laws of the United States, pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.

/s/ Joel Leifer

Joel Leifer